



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Jacob Fetman

(In the space above enter the full name(s) of the plaintiff(s).)

COMPLAINT

-against-

Aish HaTorah New York, Inc.

MetLife, Inc.

Marshal Martin Bienstock

Goldberg & Rimberg PLLC

Jury Trial: ☒ Yes ☐ No
(check one)

15CV7440

(In the space above enter the full name(s) of the defendant(s). If you cannot fit the names of all of the defendants in the space provided, please write "see attached" in the space above and attach an additional sheet of paper with the full list of names. The names listed in the above caption must be identical to those contained in Part I. Addresses should not be included here.)

I. Parties in this complaint:

- A. List your name, address and telephone number. If you are presently in custody, include your identification number and the name and address of your current place of confinement. Do the same for any additional plaintiffs named. Attach additional sheets of paper as necessary.

Plaintiff Name Jacob Fetman
Street Address 1743 Ocean Ave.
County, City Kings, Brooklyn
State & Zip Code NY 11230
Telephone Number 646 261 0200

- B. List all defendants. You should state the full name of the defendant, even if that defendant is a government agency, an organization, a corporation, or an individual. Include the address where each defendant may be served. Make sure that the defendant(s) listed below are identical to those contained in the above caption. Attach additional sheets of paper as necessary.

Defendant No. 1 Name Aish HaTorah New York, Inc.
Street Address 313 West 83rd St.

County, City New York, New YorkState & Zip Code NY 10024Telephone Number 212 921 9090

Defendant No. 2

Name Met Life, Inc.Street Address POB 10356County, City Des MoinesState & Zip Code IA, 50306Telephone Number 800-842-9406

Defendant No. 3

Name Marshal Martin BienstockStreet Address 36-35 Bell Blvd.County, City Bay SideState & Zip Code NY 11361

Telephone Number _____

Defendant No. 4

Name Goldberg and Rimberg, PLLCStreet Address 115 Broadway, 3rd Fl.County, City New York, New YorkState & Zip Code NY, 10006Telephone Number 212 697 3250**II. Basis for Jurisdiction:**

Federal courts are courts of limited jurisdiction. Only two types of cases can be heard in federal court: cases involving a federal question and cases involving diversity of citizenship of the parties. Under 28 U.S.C. § 1331, a case involving the United States Constitution or federal laws or treaties is a federal question case. Under 28 U.S.C. § 1332, a case in which a citizen of one state sues a citizen of another state and the amount in damages is more than \$75,000 is a diversity of citizenship case.

A. What is the basis for federal court jurisdiction? *(check all that apply)*☒ Federal Questions☐ Diversity of CitizenshipB. If the basis for jurisdiction is Federal Question, what federal Constitutional, statutory or treaty right is at issue? 11 U.S.C. 522

C. If the basis for jurisdiction is Diversity of Citizenship, what is the state of citizenship of each party?

Plaintiff(s) state(s) of citizenship _____

Defendant(s) state(s) of citizenship _____

III. Statement of Claim:

State as briefly as possible the facts of your case. Describe how each of the defendants named in the caption of this complaint is involved in this action, along with the dates and locations of all relevant events.

You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Attach additional sheets of paper as necessary.

A. Where did the events giving rise to your claim(s) occur? New York

B. What date and approximate time did the events giving rise to your claim(s) occur? June 2nd, 2015

C. Facts: On or about June 2nd, 2015 Defendant Goldberg Rimberg, PLLC requested from defendant Marshal Bienstock to serve plaintiff with a "Notice to Judgment Debtor" not specifying which property is in the process of being taken to satisfy a money judgment relating to defendant Aish HaTorah New York, Inc. Despite attempts to contacts the Marshal to ascertain what this notice related to, no explanations were given. On or about June 24, 2015 defendant Met Life Inc. - administrator of a 403B retirement plan, for plaintiff Fetman (Met Life account # 210105839) - Initiated a full surrender to defendant Marshal Beinstock in the amount of \$138,533.80 after deducting aprox. \$10,000 in administrative fees associated with 'early termination'.

What happened to you?

Who did what?

Was anyone else involved?

Who else saw what happened?

Despite multiple attempts to get this situation resolved, the defendants continue in collusion to hold this money.

IV. Injuries:

If you sustained injuries related to the events alleged above, describe them and state what medical treatment, if any, you required and received.

MetLife
P.O. Box 10356
Des Moines IA 50306-0356



June 25, 2015

JACOB FETMAN
1743 OCEAN AVE
BROOKLYN NY 11230

RE: **METLIFE INVESTORS INSURANCE COMPANY CONTRACT 210105839**
OWNER JACOB FETMAN

Dear Mr. Fetman:

This is in response to a Notice of Levy received from AISH HATORAH NEW YORK INC. for the amount of \$23,836,171.23.

As ordered in the Notice of Levy, we have processed a full surrender on your annuity contract. The account balance as of 06/24/2015 is 138,533.80.

If you have any questions regarding the above information, please contact Customer Service Center at 1-800-842-9406 (MIC Group Client Line), Monday through Friday between 9:00 a.m. and 6:00 p.m., ET.

Sincerely,

A handwritten signature in cursive script, appearing to read "Alnita Lee".

Alnita Lee
MetLife Annuity Operations and Services



MARTIN A. BIENSTOCK
Badge No. 75

(718) 279-3660

36-35 Bell Boulevard
P.O. Box 610700
Bayside, N.Y. 11361-0700
FAX: 718-423-0014
June 10, 2015

JACOB FETMAN AKA YAAKOV FETMAN
1743 OCEAN AVE.
BROOKLYN NY

JUDGMENT CREDITOR

AISH HATORAH NEW YORK INC.

VS

JACOB FETMAN AKA YAAKOV FETMAN

JUDGMENT DEBTOR

NOTICE TO JUDGMENT DEBTOR

Money or property belonging to you may have been taken or held in order to satisfy a judgment which has been entered against you. Read this carefully.

YOU MAY BE ABLE TO GET YOUR MONEY BACK

State and federal laws prevent certain money or property from being taken to satisfy judgments. Such money or property is said to be "exempt". The following is a partial list of money which may be exempt:

1. Social Security; and/or Social Security disability (SSD);
2. Supplemental security income (SSI);
3. Public Assistance (welfare)
4. Income earned while receiving SSI or public assistance;
5. Veterans benefits;
6. Unemployment insurance;
7. Payments from pensions and retirement accounts;
8. Disability Benefits;
9. Income earned in the last 60 days (90% of which is exempt);
10. Workers' Compensation Benefits;
11. Child Support and/or Spousal support or maintenance (alimony);
12. Railroad retirement and/or Black lung benefits

If you think that any of your money that has been taken or held is exempt, you must act promptly because the money may be applied to the judgment. If you claim that any of your money that has been taken or held is exempt, you may contact the person sending this notice.

YOU MAY CONSULT AN ATTORNEY, INCLUDING LEGAL AID IF YOU QUALIFY. The law (New York civil practice laws and rules, article four and sections fifty-two hundred thirty-nine and fifty-two hundred forty) provides a procedure for determination of a claim to an exemption.

Docket No. M 297292

MARTIN A. BIENSTOCK
Marshal, City of New York
Badge No. 75

GOLDBERG & RIMBERG, PLLC
Creditor or Attorney(s) for Judgment Creditor

11297292

**SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF KINGS**

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**AISH HATORAH NEW YORK, INC.,
Petitioner,**

Index No. 022057/13

**For An Order Pursuant To
Article 75 Of The CPLR
Confirming An Arbitration Award**

**EXECUTION
Re: Jacob Fetman**

- against -

**JACOB FETMAN a/k/a YAAKOV FETMAN,
Respondent.**

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THE PEOPLE OF THE STATE OF NEW YORK

TO THE SHERIFF OR ANY MARSHAL OF THE CITY OF NEW YORK

GREETINGS:

WHEREAS, in an action in the Supreme Court, County of Kings, between Aish Hatorah New York, Inc., as Petitioner, and Jacob Fetman aka Yaakov Fetman, as Respondent, who are all the parties named in said action, a judgment was filed and entered on October 7, 2014, in favor of Aish Hatorah New York, Inc., judgment-creditor, and against **Jacob Fetman a/k/a Yaakov Fetman**, judgment-debtor, whose last known address is 1743 Ocean Avenue, Brooklyn, New York, for the sum of \$21,430,641.99 which amount together with interest thereon from the date of entry of judgment remains due and unpaid;

NOW THEREFORE, WE COMMAND YOU to satisfy the said judgment out of the real and personal property of **Jacob Fetman** the judgment debtor and the debts due to **Jacob Fetman**, and that only the property in which the judgment debtor, who is not deceased, has an interest, or the debts owed to the judgment debtor, shall be levied upon or sold thereunder; **AND TO RETURN** this execution to the Clerk of the Court with sixty days after issuance unless service of this execution is made within that time, or within extensions of that time made in writing by the attorneys for the judgment creditor.

Pursuant to CPLR § 5205(1), \$2,625 of an account containing direct deposit or electronic payments reasonably identifiable as statutorily exempt payments, as defined in CPLR § 5205(1)(2), is exempt from execution and the garnishee cannot levy upon or restrain \$2,625 in such an account.

Pursuant to CPLR § 5222(i), an execution shall not apply to an amount equal to or less than 90% of the greater of 240 times the federal minimum hourly wage prescribed in the Fair Labor Standards Act of 1938 or 240 times the state minimum hourly wage prescribed in Labor Law § 652 as in effect at the time the earnings are payable, except such part as a court determines to be unnecessary for the reasonable requirements of the judgment debtor and his or her dependents.

Dated:

New York, New York
June 2, 2015

GOLDBERG & RIMBERG, PLLC

By: 

Evan R. Shusterman
Attorneys for Judgment Creditor
115 Broadway, 3rd Fl.
New York, New York 10006
(212) 697-3250